



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

IMPORTANT: Employers and authorized preparers must read these general instructions carefully before completing Form 790B, *Non-Criteria Agricultural Clearance Order*, and all required addenda. These instructions contain explanations of the questions and assurances that make up Form 790B. Please complete ALL required fields and items containing an asterisk (*) and any fields and items where a response is conditional as indicated by the section (§) symbol.

It is a federal offense to knowingly and willfully furnish materially false information in the preparation of Forms ETA-790 and 790B and/or any supplement thereto, or to aid, abet, or counsel another to do so (18 U.S.C. §§ 2, 1001). Other penalties may also apply to fraud or misuse of this document and to perjury with respect to this form (18 U.S.C. §§ 1546, 1621).

REQUIREMENT TO FILE AN AGRICULTURAL CLEARANCE ORDER (FORMS ETA-790 and 790B)

In accordance with 20 CFR 653.501(b)(1), each Employment Service (ES) office must ensure the agricultural clearance form prescribed by the Department (ETA Form 790 or its subsequently issued form), and its attachments are complete when placing intrastate or interstate clearance orders seeking workers to perform farmwork on a temporary, less than year-round basis through the Agricultural Recruitment System described at 20 CFR 653, subpart F..

Employers submitting non-criteria intrastate or interstate agricultural clearance orders must complete Forms ETA-790 and ETA-790B, including attachments to ETA-790B, as applicable. Employers submitting criteria clearance orders, which are placed in connection with an H-2A Application for Temporary Employment Certification (Form ETA-9142A), must not use Form ETA-790B. Instead, employers placing criteria clearance orders must complete Forms ETA-790 and ETA-790A, which are approved through OMB Approval Number 1205-0466. Instructions for Form ETA-790 are provided through OMB Approval Number 1205-0466.

Note: Orders seeking workers to perform farmwork on a year-round basis are not processed using Forms ETA-790, ETA-790A, or ETA-790B.

Definitions:

- Non-criteria clearance orders are clearance orders that are not attached to an application for foreign temporary agricultural workers pursuant to 20 CFR 655, subpart B.
- Criteria clearance orders are clearance orders that are attached to an application for foreign temporary agricultural workers pursuant to 20 CFR 655, subpart B.
- An intrastate clearance order means an agricultural clearance order for temporary employment (employment on a less than year-round basis) describing one or more



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

hard-to-fill job openings, which an Employment Service (ES) office uses to request recruitment assistance from all other ES offices within the State.

- An interstate clearance order means an agricultural clearance order for temporary employment (employment on a less than year-round basis) describing one or more hard-to-fill job openings, which an ES office uses to request recruitment assistance from other ES offices in a different State.

FORM ETA-790B – AGRICULTURAL CLEARANCE ORDER

Section A Job Offer Information

1. Enter the job title that most clearly describes the agricultural labor or services to be performed.
2. Enter the number of U.S. workers that need to be employed full-time to perform the temporary agricultural services or labor.
 - a. Enter the total number of U.S. workers needed.

This is the total number of U.S. workers the employer plans to hire to address its temporary or seasonal labor needs during the period identified in Items A.3 and A.4.

Important Note: Housing obligations apply to all “migrant farmworkers,” as defined at 20 CFR 651.10. The employer’s obligation to provide housing extends to any farmworker who may reside within the broadly identified area of intended employment but cannot reasonably return to their permanent residence within the same day.

3. Enter the first date for the period of intended employment. Use a month/day/year (*mm/dd/yyyy*) format.
4. Enter the last date for the period of intended employment. Use a month/day/year (*mm/dd/yyyy*) format.
5. Select “YES” or “NO” to indicate whether the job opportunity generally requires the worker to be on-call 24 hours a day, 7 days a week. For example, an employer submitting a job order for a job opportunity involving herding or production of livestock on the range, which requires the worker to be on-call up to 24/7, would mark “YES” and proceed to Item 8. Employers who mark “NO” must complete Items A.6 and A.7.
6. Use Items 6a through 6h to identify the anticipated days and hours of work per day and per week. Use a numerical (99.99) format for each Item below. An entry is required for each box listed in this field. Reminder: Employers may use the Form ETA-790B, Addendum C, to



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

disclose additional information about the job opportunity (e.g., variations in anticipated days or hours of work per day and per week for different crops or agricultural activities), depending on the unique specifications of the employer's job opportunity.

- a. Enter the total hours of work that will normally be offered to workers per week. The entry in this field must be at least 35.00 hours per week and cannot be less than the sum of the entries in Items 5b through 5h.
 - b. Enter the total hours of work that will normally be offered to workers on Sunday.
 - c. Enter the total hours of work that will normally be offered to workers on Monday.
 - d. Enter the total hours of work that will normally be offered to workers on Tuesday.
 - e. Enter the total hours of work that will normally be offered to workers on Wednesday.
 - f. Enter the total hours of work that will normally be offered to workers on Thursday.
 - g. Enter the total hours of work that will normally be offered to workers on Friday.
 - h. Enter the total hours of work that will normally be offered to workers on Saturday.
7. Use Items 7a and 7b to identify the normal daily work schedule for the job opportunity using the standard time in the area where the work is expected to be performed (e.g., 9 a.m. to 5 p.m., 7 a.m. to 11 a.m. and 4 p.m. to 8 p.m.). Reminder: Employers may use the Form ETA-790B, Addendum C, to disclose additional information about the job opportunity (e.g., different shifts or variations in normal daily work schedule for different crops or agricultural activities), depending on the unique specifications of the employer's job opportunity.
- a. Enter the start time of the day that work will normally begin and select a checkbox to indicate whether the expected start time of work is "a.m." or "p.m."
 - b. Enter the end time of the day that work will normally end and select a checkbox to indicate whether the expected end time of work is "a.m." or "p.m."
8. Use Items 8a and 8b to document whether there are any hours, days, or weeks for which work is guaranteed, and, for each guaranteed week of work except as provided in 20 CFR 653.501(c)(3)(i), the exclusive manner in which the guarantee may be abated due to weather conditions or other acts of God beyond the employer's control. Note, 20 CFR 653.501(c)(3)(i) states that the employer will provide to workers placed through the clearance system the number of hours of work stated on the clearance order for the 14 calendar days beginning with the anticipated date of need, unless the employer has amended the date of need at least 10 business days prior to the original date of need (pursuant to 20 CFR 653.501(c)(3)(iv)).
- a. Enter the specific hours, days, or weeks for which work is guaranteed. If there are no hours, days, or weeks for which work is guaranteed, write "NONE."
 - b. Enter a description of the exclusive manner in which the guarantee may be abated due to weather conditions or other acts of God beyond the employer's control for each guaranteed week of work, except as provided in 20 CFR 653.501(c)(3)(i). If there is no



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

manner to abate the guarantee, write “NONE.”

9. Use Items 9a through 9g to identify the specific crop activity or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. Describe the duties or services to be performed by the workers and the wage(s) that will be offered, advertised, and paid to the workers for performing the agricultural labor or services.

a. Enter a description of the job duties or services to be performed in each crop activity or agricultural activity. Describe the work tasks that make up the job, summarizing each step as appropriate, and avoid using technical terms without properly defining or explaining them where usage is necessary.

Important Note: The response to this item must begin in this section of the form and Addendum C may be used ONLY if more space is needed. The employer must disclose all wages that will be paid during the contract period of employment for all crop and agricultural activities. Additionally, if additional space is needed to disclose wage rates, complete Addendum A.

b. Enter the hourly or monthly wage that will be offered, advertised, and paid to workers performing the job duties or services in the crop activity or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. If the employer offers a range of wage rates for each crop or agricultural activity (and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity), enter the minimum wage offer in Item A.8b (Wage Offer). The wages offered must not be less than the applicable prevailing wages, as defined in 20 CFR 655.103(b), or the applicable Federal or State minimum wage, whichever is higher. 20 CFR 653.501(c)(2)(i). If there are additional hourly or monthly wage rates associated with additional crop activities, agricultural activities, distinct tasks, or work locations, these must be listed in Form ETA-790B, Addendum A.

c. Select either “**HOUR**” or “**MONTH**” to identify the unit of pay for the wage offer entered in Item 9b. Mark only one box. See 20 CFR 653.501(c).

d. If applicable, enter the piece rate that will be offered, advertised, and paid to workers performing the job duties or services in the crop activity or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. Note: If there are additional piece rates associated with additional crop activities, agricultural activities, distinct tasks, or work locations, these must also be listed in Form ETA-790B, Addendum A.

e. If applicable, enter the piece rate units (e.g., tree size/spacing, weight/size/number of boxes picked/packed, dimensions of bags or boxes filled). Examples of piece rate units include 5/8 bushel, 90 pound bag or box, 10 box bin. In addition, enter the estimated hourly wage rate equivalent for each piece rate or base rate that is offered for each activity and unit size, if applicable (i.e., what a worker might expect to earn per hour at this rate). See example below. Include or be prepared to make the method of



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

calculating the estimated hourly wage rate equivalent(s) and supporting materials available to the SWA.

- f. If applicable, enter any other special pay information (e.g., performance bonuses or incentives associated with performing the job duties or services) or the upper end of a wage range offered for a particular crop activity or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. Examples of other special pay information related to a particular crop activity or agricultural activity or distinct work task(s) within that activity are additional pay per acre or based on crop yield. In addition, enter the estimated hourly wage rate equivalent for each piece rate or base rate and bonus that is offered for each activity and unit size, if applicable (i.e., what a worker might expect to earn per hour at this rate). Include or be prepared to make the method of calculating the estimated hourly wage rate equivalent(s) and supporting materials available to the SWA.

Important Note: The estimated hourly equivalent is not an offered rate nor a guarantee. The offered rates, which may include one or more piece rates in addition to the hourly rate, must be entered in Item A.9b-e, and, if applicable, the corresponding fields on the Form ETA-790B, Addendum A. In addition, the wage rate guarantee requirement is explained in Item A.8a-b. Although not an offered rate nor a guarantee, the estimated hourly equivalent can be no less than the highest of the applicable Federal or State minimum or the prevailing hourly wage rate.

- g. Select “Yes” or “No” to indicate whether overtime pay will be available, whether voluntarily offered by the employer or required by an applicable Federal, State, or local law. If “Yes” is selected, describe: The wage rate(s) to be paid for any such overtime hours; the circumstances under which the wage rate(s) for overtime hours will be paid; whether overtime wage rates will vary between places of employment; and where the overtime pay is required by law, the applicable federal, State, or local law requiring the overtime pay.

Important Note: Use Form ETA-790B, Addendum A, to disclose all additional pay information that is related to a particular crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. For additional pay information that is not related to a particular crop, including but not limited to overtime (including any overtime pay required by Federal, state, or local law) and bonus or work incentive payments that the employer will pay in addition to the basic wage rate (e.g., bonuses based on time on the job or calendar based/holiday bonuses), mark 9g “**YES**” and use the Form ETA-790B, Addendum C, to disclose the additional material terms and conditions of employment.

10. Select “Yes” or “No” to indicate whether there any other wage rates, including non-hourly wage rates, beyond those identified above, that may apply to the job duties identified under



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

this clearance order. If yes, use ETA-790B, Addendum A to disclose the additional wage rate(s) for each crop or agricultural activity and geographic area of employment.

11. Select “Yes” or “No” to indicate whether there any non-monetary benefits to be provided by the employer. If yes, use Addendum A to disclose all non-monetary benefits.
12. Select “Yes” to indicate that a completed Form ETA-790B, Addendum A is attached to this agricultural clearance order providing additional information covering all identified crops or agricultural activities (and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity) and all hourly or monthly rates, piece rates, or special pay rates. If there are no additional job duties or services and/or wage offer(s) to identify, select “N/A.”

Important Note: Use Form ETA-790B, Addendum A, to disclose all additional pay information that is related to a particular crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. For additional pay information that is not related to a particular crop, including but not limited to and bonus or work incentive payments that the employer will pay in addition to the basic wage rate (e.g., bonuses based on time on the job or calendar based/holiday bonuses), mark Item 12 “Yes” and use the Form ETA-790B, Addendum C, to disclose the additional material terms and conditions of employment.

13. Select one of the available options to specify the frequency with which workers will be paid under this agricultural clearance order.
 14. Select “Yes” or “No” to indicate whether there any minimum productivity standards. If yes, use Form ETA-790B, Addendum C to describe any performance expectations and/or productivity standards that are a condition of job retention in terms that are static, quantifiable, and that specifically quantify the expected output per worker required for job retention in the specific crop or agricultural activity.
-

Section B

Minimum Job Qualifications/Requirements

1. If a minimum U.S. diploma or degree is required to perform the agricultural labor or services, select the option that identifies the requirement. If no minimum U.S. diploma or degree is required, select “**NONE**.” Only mark one box.
 2. If a minimum amount of experience is required to perform the agricultural labor or services, indicate the amount of experience required in months. If no minimum experience is required, enter “**0**” (zero). Information about the nature of the experience required may be disclosed in Item B.6.
 3. If a minimum amount of training is required to perform the agricultural labor or services, indicate the amount of training required in months. If no minimum training is required, enter “**0**” (zero). If less than one month of training is required, enter “**0**” (zero) in Item B.3 and
-



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

provide the specific number of days or weeks of training required in Item B.6. Information about the nature of the training required may be disclosed in Item B.6. Note: When answering this item, do not duplicate time requirements — identify only the time required for the training identified in Item B.3. Do not include (add) time for the education or experience identified in Items B.1 and B.2.

4. Select the list of work tasks and requirements that are normally required to perform the agricultural labor or services. Check all that apply. Information about the nature of the work tasks and requirements checked may be disclosed in Item B.6. For example, if “Certification/license requirements” applies, use Item B.6 to specify the certification(s) and/or license(s) required (e.g., commercial driver’s license). Similarly, if “Driver requirements” applies, use Item B.6 to describe nature of the driving requirements, such as the farm equipment involved (e.g., self-propelled custom class combine) or whether a clean driving record is required to drive grain and transporter trucks. If “Extensive sitting or walking” is checked, use Item B.6 to explain the nature of the sitting or walking required.
 5. Use Items 5a and 5b to identify whether the worker(s) employed under the job opportunity will be required to perform supervision of other employees.
 - a. Mark “Yes” or “No” as to whether the job opportunity supervises the work of other employees.
 - b. If “Yes” is marked in question 5a, enter the total number of employees the job opportunity will supervise.
 6. Describe any other qualifications or requirements to perform the agricultural labor or services. Examples are quantifiable lifting requirements, level of supervision and number of workers to supervise, and types of licenses or permits. This item may also be used to provide more detailed information about the qualifications and/or requirements identified in Items B.1 through B.5. If no additional qualifications or requirements are needed and no additional information about Items B.1 through B.5 is required, enter “**NONE**” in the space provided. If additional space is required to fully disclose the qualification and requirement details for Item B.6, the employer may use the Form ETA-790B, Addendum C. On Addendum C, enter “B.6” in Item 1, “Job Qualifications and Requirements” in Item 2, and the additional information in Item 3.
-

Section C

Place of Employment Information

It is important for the employer to define the place(s) of employment with as much geographic specificity as possible. This information is used to determine the area of intended employment, for purposes of reviewing and verifying regulatory compliance with advertising, positive recruitment requirements, and prevailing wage determinations.



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

For employers operating on work itineraries covering one or more areas of intended employment or those engaged in the herding or production of livestock on the range, the place of employment disclosed in Items C.1 through C.6 may be the location where the work itinerary is expected to begin, a designated pick-up point where workers will meet, or the employer's business or office location nearest where work will be performed in the area. For agricultural associations filing as a joint employer with members, the place of employment disclosed in these fields may be the address of the agricultural association or the centralized location where workers will report for work assignments with members of the agricultural association. To disclose additional place(s) beyond the entry in Items C.1 through C.6 (e.g., subsequent locations on an itinerary), use Form ETA-790B, Addendum B.

1. Enter the street address of the location where work will be performed. The place of employment address must be a physical location and cannot be a P.O. box. For a rural or other location without a street address, enter "**NONE**" and provide as much information in Items C.2 through C.5 as possible, supplemented with additional information in Item B.6.
2. Enter the city in which the place of employment is located.
3. Enter the State/District/Territory in which the place of employment is located.
4. Enter the postal (zip) code in which the place of employment is located.
5. Enter the county in which the place of employment is located.
6. Enter any additional information about the place of employment location. Examples may include more specific information about the fields where work will be performed in close proximity to the address location, more specific directions on how workers can reach the place of employment, and/or Global Positioning System (GPS) coordinates, especially in very rural and isolated geographic areas. Include the crop or agricultural activity to be performed at each additional place of employment. If no additional information concerning the place of employment is needed, enter "**NONE**" in the space provided.
7. In circumstances where work needs to be performed at additional places of employment other than the address listed in Items 1 through 5 above, select "Yes" and submit a completed Form ETA-790B, Addendum B, identifying all additional places of employment and, where required, the agricultural business that will employ workers, or to whom the employer will be providing workers. If work will not be performed at additional places of employment other than the address listed in items 1 through 5 above, select "**N/A.**"

Section D

Housing Information

1. Enter the street address of the location where the housing for workers is located. Use commonly understood street or highway numbers and names. For applications involving agricultural labor or services on work itineraries where the use of mobile housing is



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

- permitted, enter the nearest geographic location of the mobile housing unit where it resides at the time of filing the Form ETA-790B.
2. Enter the city in which the housing is located.
 3. Enter the State/District/Territory in which the housing is located.
 4. Enter the postal (zip) code in which the housing is located.
 5. Enter the county in which the housing is located.
 6. Identify the type of housing that will be provided to workers at this location by indicating either employer-provided, which includes mobile or range units, or rental or public accommodations. Mark only one box.
 7. Enter the total number of housing units available to house workers at this location.
 8. Enter the total occupancy capacity for all of the housing units identified in Item 7 above.
 9. Enter any additional information about the housing. Examples may include more specific directions on how workers can reach the housing and/or GPS coordinates, especially in very rural and isolated geographic areas; availability of family units and/or single rooms; utilities (e.g., gas, electricity, and heat); and/or arrangements for utility hookups. For mobile units, explain where the mobile units will be used (e.g., “mobile unit will travel with the workers to various range locations through Jefferson, Fremont, and Bonneville Counties (Idaho) and Teton and Lincoln Counties (Wyoming)”). If no additional information concerning the housing is needed, enter “**NONE**” in the space provided.
 10. In circumstances where workers will be provided housing at additional locations and/or additional space is needed to identify all available housing units for workers at the address listed in Items 1 through 5 above, select “Yes” and submit a completed Form ETA-790B, Addendum B, providing additional information on housing that will be provided to workers. If no additional information concerning the housing is needed, select “**N/A.**”
-

Section E

Additional Material Terms and Conditions of the Job Offer

1. Inbound/Outbound Transportation. Check the box in Item E.3a to indicate that the description is available in Addendum C. On Addendum C, enter “E.3a” in Item 1, “Inbound/Outbound Transportation” in Item 2, and then complete the description of the employer’s provision of inbound and outbound transportation to workers in Item 3. Describe how the employer will provide or pay for the transportation of the workers and their families at or before the end of the period of employment specified in the job order on at least the same terms as transportation is commonly provided by employers in the area of intended employment to farmworkers and their families recruited from the same area of supply. Under no circumstances may the payment or provision of transportation occur later than the departure time needed to return home to begin the school year, in the case of any
-



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

worker with children 18 years old or younger or be conditioned on the farmworker performing work after the period of employment specified in the job order. See 20 CFR 653.501(c)(2)(ii).

2. Provision of Meals: If the employer intends to offer meals, on Addendum C, enter “E.2a” in Item 1, “Provision of Meals” in Item 2, and then complete the description of the employer’s provision of meals to workers in Item 3.
 - a. Check the box in Item E.2a only if the employer intends to provide meals to workers. If so, check the box to indicate that the description is available in Addendum C. If the employer does not intend to offer meals, do not check the box.
 - b. If the employer intends to offer meals, check either that the employer will or will not charge workers for the meals. If the employer intends to charge workers for the meals, write the amount of money the employer will charge per day in 2b. If the employer does not intend to offer meals, do not complete 2b.
3. Deductions from Pay. If no deductions will be made from any worker’s paycheck, DO NOT mark the checkbox. If the employer will make any deductions from workers’ paychecks, check the box in Item E.4 to indicate that the description of deductions is available in Addendum C. On Addendum C, enter “E.3” in Item 1, “Deductions from Pay” in Item 2, and then complete the description of the deductions the employer will make from workers’ paychecks in Item 3. Describe all deductions from a worker’s paycheck that the employer is required by law to make and deductions not required by law to make. For each deduction, provide the amount(s) of deduction, if known. See 20 CFR 653.501(c)(1)(iv)(F).
4. Other Material Terms and Conditions. If all material terms and conditions under this job offer have been disclosed in other items of the job order, DO NOT mark the checkbox. If there are other material terms and conditions not already disclosed in other items of the job order, check the box in Item E.5 to indicate that the additional description of material terms and conditions is available in Addendum C. On Addendum C, enter “E.5” in Item 1, “Other Material Terms and Conditions” in Item 2, and then complete the description of the other material terms and conditions in Item 3. Describe any other material terms, conditions, and benefits (monetary and non-monetary) that will be provided by the employer under this job opportunity

Note that Addendum C may also be used to elaborate or further explain material terms or conditions of the job offer previously disclosed on this clearance order (e.g., wage offer(s) job qualifications or requirements, transportation). To disclose a material term or condition of the job offer that is not covered by the Form ETA-790B using Addendum C, the employer may enter the letter “H,” followed by a sequential number, and then the name of the category for the material term or condition.



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

Section F
Referral and Hiring Instructions

1. Explain **how** prospective applicants may be considered by the employer for employment under this job order. Provide verifiable contact information for the employer and methods of contacting the employer directly (e.g., email, phone) that the SWA may use to refer prospective U.S. applicants for the job opportunity. Summarize how applicants are to be considered, referred, and hired. For example, indicate the days and hours that the employer or the employer's authorized hiring representative will be available to interview workers by telephone and/or in-person and whether anybody different from the employer has hiring authority. If additional space is needed, use the Form ETA-790B, Addendum C.

In Items F.2 through F.4, at least two (2) verifiable methods by which prospective U.S. workers can contact the employer and apply for the job opportunity must be identified.

2. Enter the employer's area code and business telephone number the SWA may use to call the employer to refer U.S. applicants to the job opportunity. If a phone number is not available, enter "N/A."
3. Enter the extension of the employer's telephone number the SWA may use to call the employer to refer U.S. applicants to the job opportunity, if applicable. If there is no extension number, enter "**N/A.**"
4. Enter the employer's business email address the SWA may use to contact the employer to refer U.S. applicants to the job opportunity in the format name@emailaddress.top-leveldomain. If email is not a method of contact prospective U.S. applicants may use to be considered for the job opportunity, enter "**N/A.**"
5. Enter the employer's business website address (URL) in the format www.employerwebsitename.top-leveldomain. If the employer does not have a business website address or its website is not a method of contact, enter "**N/A.**" Examples of valid suffixes include:

.com - commercial business
.org - Organizations (nonprofit)
.edu - Educational institutions
.net - Network organizations
.gov - Government agencies
.mil – Military

Section G
Conditions of Employment and Assurances for Agricultural Clearance Orders



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

The employer must carefully read and agree to compliance with all the conditions of employment, including, but not limited to, those conditions listed in this section, for the positions covered by the agricultural clearance order, including any approved modifications or extensions thereof.

1. Enter the last (family) name(s) of the person with authority to sign on behalf of the employer.
 2. Enter the first (given) name of the person with authority to sign on behalf of the employer.
 3. Enter the middle name of the person with authority to sign on behalf of the employer, if applicable.
 4. Enter the job title of the person with authority to sign on behalf of the employer.
 5. The person with authority to sign on behalf of the employer must sign the agricultural clearance order. An electronic or digital signature is acceptable. Read the entire application and verify all contained information prior to signing.
 6. The person with authority to sign on behalf of the employer must date the agricultural clearance order. An electronic or digital date is acceptable. Use a month/day/full year (*mm/dd/yyyy*) format.
-

Employment Service Statement

In view of the statutorily established basic function of the Employment Service (ES) as a no-fee labor exchange, that is, as a forum for bringing together employers and job seekers, neither the Department of Labor's Employment and Training Administration (ETA) nor the SWAs are guarantors of the accuracy or truthfulness of information contained on job orders submitted by employers. Nor does any job order accepted or recruited upon by the ES constitute a contractual job offer to which the ETA or a SWA is in any way a party. 20 CFR 653.501(c)(1)(i).

Public Burden Statement (OMB Control Number 1205-0134)

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 2 hours per response for all information collection requirements, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, reviewing, and submitting the collection of information. Specifically, the public reporting burden for this collection of information is estimated as follows: Form ETA-790 at .33 hours; and Form ETA-790B and addenda at 1.67 hours. The obligation to respond to this data collection is required to obtain/retain benefits (44 U.S.C. § 3501, Wagner-Peyser Act (29 U.S.C. § 49 et seq.)). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, U.S. Department of Labor, Room C-4510, 200 Constitution Ave., NW, Washington, DC, 20210. (Paperwork Reduction Project OMB 1205-0134). DO NOT send the completed application to this address.

FORM ETA-790B ADDENDUM A

This Addendum must be fully completed and submitted with the Form ETA-790B when the employer needs to disclose additional information about the payment of wages for specific crops and/or agricultural activities and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity. The employer must disclose wage information covering all the crops or agricultural activities (and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity) that workers will need to perform under the agricultural clearance order.

Addendum A will collect up to 10 rows of wage offer information for particular crops and/or agricultural activities. If the employer needs to disclose more than 10 rows of wage offer information, the employer will make one or more copies of the Addendum A to complete and attach to the Form ETA-790B.

Column 1: Crop or Agricultural Activity

Enter the name of the crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop or agricultural activity (e.g., Apple Harvesting – Gala; Custom Harvesting – All Grains; Citrus Harvesting – Valencia for Fresh Pick; Citrus Harvesting - Valencia for Juice).

Column 2: Wage Offer/Per

Enter the wage offer for the crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity entered in Column 1 in currency format (e.g., \$9.99) and select only one box to identify whether the wage offer will be paid to workers by the hour or month.

Column 3: Work State

Enter the two-letter abbreviation for the State or territory in which the crop or agricultural activity associated with the crop or agricultural activity entered in Column 1 will be performed. For example, if the crop or agricultural activity associated with the crop or agricultural activity entered in Column 1 will be performed in the State of California, enter "CA" in this field.

Column 4: Piecer Rate Offer

Enter any piece rate that will be offered, advertised, and paid to workers performing the job



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

duties or services in the crop activity or agricultural activity and, if applicable, distinct work task(s) performed within that crop activity or agricultural activity.

Column 5: Piece Rate Units / Estimated Hourly Rate / Special Pay Information

Enter the estimated hourly wage rate equivalent for each piece rate or base rate and bonuses that is offered in Column 4. Enter additional information and/or any other special pay information (e.g., performance bonuses or incentives) associated with performing the job duties or services in the crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop or agricultural activity covering the State or territory, along with the estimated hourly wage rate equivalent for any special pay rate entered. Note, if the wages offered are expressed as piece rates or as base rates and bonuses, the employer must make the method of calculating the wage and supporting materials available to the SWA Employment Service staff who must check if the employer's calculation of the estimated hourly wage rate is reasonably accurate and is not less than the prevailing wage rate or applicable Federal or State minimum wage, whichever is higher. 20 CFR 653.501(c)(2)(i).

Form ETA-790B ADDENDUM B

For Disclosure of Agricultural Businesses (Section C), Additional Places of Employment (Section D) and/or Housing Information (Section E)

This Addendum must be fully completed and submitted with Forms ETA-790 and 790B when one or both of the following circumstances arise:

- (1) The employer needs the workers to perform the services or labor required in the agricultural clearance order at additional places of employment other than the place disclosed in Section C, Items 1 through 5; or
- (2) The employer will be providing housing at additional places of employment, other than the place disclosed in Section D, Items 1 through 5, and/or additional space is needed to identify all available housing units for workers at the address disclosed in Section D, Items 1 through 5.

**Section C.1
Additional Agricultural Business Information**

Addendum B, Section C, will collect multiple rows of information related to the agricultural businesses employing workers or receiving labor or services. If the employer needs to disclose additional rows of information, the employer will make one or more copies of Section C of the Addendum B to complete and attach to the Form ETA-790B.



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

1. Enter the nine-digit Federal Employer Identification Number (FEIN) as assigned by the IRS. Do not enter a social security number. **Note:** All employers, including private households, **MUST** obtain an FEIN from the IRS before completing this application. Information on obtaining an FEIN can be found at www.irs.gov.
 2. Enter the full legal name of the business identified in Item 2. The full legal name is the exact name of the individual, corporation, LLC, partnership, or other organization that is reported to the Internal Revenue Service (IRS).
 3. Enter the full trade name or “Doing Business As” name (DBA) name, if applicable, of the agricultural business that will employ workers, or to which labor or services will be provided by workers at the place of employment identified in Items 7 through 12, if applicable.
 4. Enter the employer’s previous full trade name(s) or DBA name(s), if applicable, of the business, person, association, firm, corporation, or organization used three years prior to the filing of this application. Do not include “DBA” in front of the full trade name. If additional DBAs were used, insert additional names in Item 6.
 5. Enter the employer’s previous full trade name(s) or DBA name(s), if applicable, of the business, person, association, firm, corporation, or organization used three years prior to the filing of this application. Do not include “DBA” in front of the full trade name.
 6. Enter the street address of the place of business. The place of business must be a physical location and cannot be a P.O. box. To identify the place of business by address, enter the location information using this format: address/location, city, State, postal code, county. Although addresses are required, if available, if there is no address, the employer may enter “No Street Address Available” or “**N/A**”.
 7. Enter the city of the place of business.
 8. Enter the State of the place of business.
 9. Enter the postal (zip) code of the place of business.
 10. Enter the county of the place of business.
-

Section D
Additional Place of Employment Information

Where the employer’s work itinerary necessitates disclosure of an anticipated schedule of work at different places of employment, complete Columns 1 through 6. Addendum B, Section D, will collect multiple rows of information related to the places of employment where workers will perform agricultural labor or services. If additional rows are needed, the employer will make one or more copies of Section D of the Addendum B to complete and attach to the Form ETA-790B.



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

Column 1: Place of Employment

- 1a. Enter the street address of the location where work will be performed. The place of employment address must be a physical location and cannot be a P.O. box. Use commonly understood street or highway numbers and names to identify the place of employment. For a rural or other geographic location without a street address, enter **"NONE"** and then provide as much information in Items 1b through 1e as possible, supplemented with additional information in Column 2.
- 1b. Enter the suite/floor or number of the street address, if applicable.
- 1c. Enter the city in which the place of employment is located.
- 1d. Enter the State/District/Territory in which the place of employment is located.
- 1e. Enter the postal (zip) code in which the place of employment is located.
- 1f. Enter the county in which the place of employment is located.

Column 2: Additional Place of Employment Information and Crop or Agricultural Activity

This column requires the entry of two distinct categories of information.

First, enter any additional information about the place of employment location. Examples may include more specific information about the fields where work will be performed in close proximity to the address location, more specific directions on how workers can reach the place of employment, and/or Global Positioning System (GPS) coordinates, especially in very rural and isolated geographic areas. If no additional information concerning the place of employment is needed, enter **"NONE"** in the space provided.

Second, enter each "Crop or Agricultural Activity" identified on the Addendum A, Column 1, to identify the crop or agricultural activity and, if applicable, distinct work task(s) performed within that crop or agricultural activity that will be performed by workers at the place of employment. The "Crop or Agricultural Activity" assigned to a crop or agricultural activity may be used in multiple rows in circumstances, for instance, where the employer will have a need for workers to the same work at different places of employment.

COLUMNS 3-4: ONLY FOR USE BY AGRICULTURAL ASSOCIATIONS FILING JOINT EMPLOYER APPLICATIONS, FARM LABOR CONTACTORS, AND EMPLOYERS WITH WORK ITINERARIES

Column 3: Begin Date

Enter the begin date for the period of intended employment at this place of employment. Use a month/day/year (mm/dd/yyyy) format.



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

Column 5: End Date

Enter the end date for the period of intended employment at this place of employment. Use a month/day/year (mm/dd/yyyy) format.

COLUMN 5: ONLY FOR USE BY AGRICULTURAL ASSOCIATIONS FILING JOINT EMPLOYER APPLICATIONS

Column 5: Total Workers

Enter the anticipated total number of workers that will be employed at this place of employment.

Section E

Additional Housing Information

Addendum B, Section E will collect up to five (5) rows of information about additional information on facilities the employer will use to house workers under this clearance order. If additional space is needed, the employer will make one or more copies of Section E of the Addendum B to complete and attach to the Form ETA-790B.

1. Identify the type of housing that will be provided to workers at this location by indicating either employer-provided, which includes mobile or range housing, or rental and/or public accommodations. Mark only one box.
 2. Enter the address or geographic location where the housing for workers is located. Use this format: physical street address house workers under this job order.
 3. Enter any additional information about the housing. Examples may include more specific directions on how workers can reach the housing, especially in very rural and isolated geographic areas; availability of family units and/or single rooms available; utilities (e.g., gas, electricity, and heat); and/or arrangements for utility hookups. If no additional information concerning the housing is needed, enter “**N/A**” in the space provided.
 4. Enter the total number of housing units available to house workers at this location.
 5. Enter the total occupancy capacity for all of the housing units identified in Item 4 above.
 6. Identify the entity that has determined or will determine that the housing identified in this row meets, or will meet, all applicable standards, as required. Select the appropriate boxes for each row, following the instructions for Item D.9.
-

Form ETA-790B ADDENDUM C



Non-Criteria Agricultural Clearance Order
Form ETA-790B – General Instructions
U.S. Department of Labor

For Disclosure of Additional Material Terms and Conditions of the Job Offer

Addendum C must be used to explain the material terms or conditions of the job offer, which must be disclosed on this clearance order or to disclose a material term condition of the job offer that is not covered by a specific question on the Form ETA-790B.

If additional space is needed, the employer will make one or more copies of the Addendum C to complete and attach to the Form ETA-790B.

1. Enter the Form ETA-790B Section and Item number associated with the additional information to be disclosed. For example, if overtime wage rate(s) and the circumstances under which the wage rate(s) for such overtime hours would be paid to workers must be disclosed for responding “Yes” to Item A.9g of the Form ETA-790B, enter “A.9g” in Item 1 on Addendum C.

Otherwise, in circumstances where a material term or condition of the job offer needs to be disclosed but is not covered by a specific question on the Form ETA-790B, enter “E.4” as the section and item number.

2. Enter the Form ETA-790B Section name associated with the Section and Item Number entered in Item 1. For example, if “A.9g” was entered in Item 1 to disclose overtime wage rate(s) and the circumstances under which the wage rate(s) for such overtime hours would be paid to workers, enter “Overtime Pay” in Item 2 on Addendum C.

Otherwise, in circumstances where a material term or condition of the job offer needs to be disclosed but is not covered by a specific question on the Form ETA-790A and “E.4” is entered in Item 1, enter “Other Material Terms and Conditions”.

3. Enter the additional information to be disclosed related to Items 1 and 2 above.